

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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General Electric Company,

Plaintiff-Counter-Defendant,

Case No. 08-cv-298-bbc

v.

SonoSite, Inc.,

Defendant-Counter-Plaintiff.

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**PLAINTIFF-COUNTER-DEFENDANT GENERAL ELECTRIC COMPANY'S  
MOTION FOR SUMMARY JUDGMENT OF INVALIDITY AND  
NONINFRINGEMENT OF U.S. PATENT NO. 5,722,412**

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Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiff-Counter-Defendant General Electric Company (“GE”) hereby moves for summary judgment against Defendant-Counter-Plaintiff SonoSite, Inc. as to the following:

- 1) GE’s claim for a declaration of invalidity under 35 U.S.C. §§ 102, 103 and/or 112 of U.S. Patent No. 5,722,412 (claims 11 through 14 and 15 through 18), as set forth in GE’s Complaint (DKT 1);
- 2) GE’s reply counterclaim for a declaration of noninfringement of U.S. Patent No. 5,722,412 (claims 11 through 14 and 16 through 18) for the accused Venue 40, as set forth in GE’s Reply (DKT 38); and
- 3) GE’s reply counterclaim for a declaration of noninfringement of U.S. Patent No. 5,722,412 (claims 11 through 14 and 16 through 18) for the accused lightweight Venue 40 under the doctrine of equivalents, as set forth in GE’s Reply (DKT 38).

In support of this motion, GE submits the accompanying Brief in Support of Summary Judgment, Statement of Proposed Findings of Fact, and the following declarations:

- a) Declaration of Menachem Halmann, Ph.D. in Support of Plaintiff-Counter-Defendant General Electric Company's Motion for Summary Judgment of Invalidity and Noninfringement of U.S. Patent No. 5,722,412;
- b) Declaration of Mark. E. Schafer, Ph.D. in Support of Plaintiff-Counter-Defendant General Electric Company's Motion for Summary Judgment of Invalidity and Noninfringement of U.S. Patent No. 5,722,412; and
- c) Declaration of Robert McAlhany Jr. in Support of Plaintiff-Counter-Defendant General Electric Company’s Motion for Summary Judgment of Invalidity and Noninfringement of U.S. Patent No. 5,722,412.

This Motion is further based on all papers and records on file in this action and such oral argument as may be presented at the hearing of this Motion.

Respectfully submitted,

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By: s/ Matthew M. Wolf

Allen A. Arntsen  
aarntsen@foley.com  
Jeffrey A. Simmons  
jsimmons@foley.com

Justin E. Gray  
jegrays@foley.com  
**FOLEY & LARDNER LLP**  
150 E. Gilman Street  
P.O. Box 1497  
Madison, WI 53701-1497  
Tel: 608-258-4293; Fax: 608-258-4258

Matthew M. Wolf  
wolfm@howrey.com  
Sara P. Zogg  
zoggsara@howrey.com  
**HOWREY LLP**  
1299 Pennsylvania Avenue N.W.  
Washington, DC 20004  
Tel: 202-783-0800; Fax: 202-383-6610

Jennifer A. Sklenar  
sklenarj@howrey.com  
**HOWREY LLP**  
550 S. Hope Street, Suite 1100  
Los Angeles, CA 90071  
Tel: 213-892-1800; Fax: 213-892-2100

Theresa M. Gillis  
gillist@howrey.com  
**HOWREY LLP**  
153 East 53<sup>rd</sup> Street, 54<sup>th</sup> Floor  
New York, NY 10022  
Tel: 212-896-6631; Fax: 212-896-6501

Robert E. McAlhany, Jr., Ph.D.  
mcalhanyr@howrey.com  
**HOWREY LLP**  
1950 University Avenue, 4<sup>th</sup> Floor  
East Palo Alto, CA 94303  
Tel: 650-798-3500; Fax: 650-798-3600

*Attorneys for Plaintiff-Counter-Defendant*